

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

KAREN STEWART

PLAINTIFF

vs.

CASE No. 07-5024

TYSON FOODS, INC.

DEFENDANT

O R D E R

On February 13, 2008, a judgment was entered in defendant's favor in accordance with the jury verdict rendered against plaintiff on all of her claims. (Doc. 30.) Currently before the Court is the defendant's Bill of Costs in the amount of \$3765.70 and Exhibits in support thereof (Docs. 31, 33 Exs. 1-4). The plaintiff has filed a Response and Supplemental Response (Docs. 32, 34), objecting to certain costs. The Court, being well and sufficiently advised, finds and orders as follows with respect thereto:

1. Under Federal Rule of Civil Procedure 54(d)(1), costs "shall be allowed as of course to the prevailing party unless the court otherwise directs."

2. Plaintiff does not object to the costs claimed for transcripts of plaintiff's deposition, but does object to the \$1,120.00 in costs associated with the video-taping of the deposition.

3. The Court will sustain plaintiff's objection, as the video-taped deposition was not shown at trial and the Court does not believe it was reasonably necessary to obtain both a video-tape of the deposition and stenographic transcripts.

4. Accordingly, defendant's bill of costs shall be reduced by \$1,120.00 for the costs associated with the video-taping of

plaintiff's deposition. Defendant's recovery for costs shall therefore be limited to \$2,645.70.

IT IS SO ORDERED this 2nd day of April, 2008.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE
